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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )

8 Plaintiff, )

9 v. )

10 RICHARD JIMMY CAYOU, )

11 Defendant. )

Case No. CR05-130 JLR

**PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO ALLEGED  
VIOLATIONS OF SUPERVISED  
RELEASE**

12 INTRODUCTION

13 I conducted a hearing on alleged violations of supervised release in this case on August 8,  
14 2008. The defendant appeared following his arrest. The United States was represented by Jill  
15 Otake, and defendant was represented by Carol Koller. Also present was U.S. Probation Officer  
16 Steve McNickle. The proceedings were digitally recorded.

17 CONVICTION AND SENTENCE

18 Defendant was sentenced on February 13, 2006 by the Honorable James L. Robart for  
19 Sexual Abuse of a Minor. He received 18 months of imprisonment and five years of supervised  
20 release.

21 PRIOR VIOLATIONS OR MODIFICATIONS

22 On December 11, 2006 defendant's conditions of supervision were modified to require  
23 placement at a Residential Reentry Center (RRC) for up to 180 days because defendant lacked a

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -1

1 viable release placement.

2 On July 27, 2007 defendant's supervision was revoked due to his failure to notify the  
3 probation office of a change in residence and employment and failure to submit monthly reports.  
4 Defendant was sentenced to six months of imprisonment and 29 months of supervised release.

5 On May 29, 2008, defendant's supervision was revoked due to marijuana use and failure to  
6 participate in the RRC program. Defendant was sentenced to 24 days and 24 months of  
7 supervision to include 180 days in RRC program.

8 PRESENTLY ALLEGED VIOLATION AND  
9 DEFENDANT'S ADMISSION OF THE VIOLATION

10 In a petition dated August 7, 2008, Supervising U.S. Probation Officer Calvin Bouma  
11 alleged that defendant violated the following condition of supervised release:

12 1. Failing to satisfactorily participate in a residential reentry center program by being  
13 terminated from the program at Pioneer fellowship house, on or about August 7, 2008, in  
14 violation of the special condition that he satisfactorily participate in the program for up to 180  
15 days

16 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
17 and was informed that the matter would be set for a disposition hearing before District Judge  
18 James L. Robart.

19 RECOMMENDED FINDINGS AND CONCLUSIONS

20 Based upon the foregoing, I recommend the Court find that defendant has violated the  
21 conditions of his supervised release as alleged above, and conduct a disposition hearing. The

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PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -2

1 defendant did not contest detention and was ordered detained pending disposition.

2 DATED this 8<sup>th</sup> day of August, 2008.

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5 BRIAN A. TSUCHIDA  
6 United States Magistrate Judge  
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